

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Curtiss-Wright Electro-Mechanical Corporation,)	
)	
Plaintiff)	Case No. 2:21-cv-390
)	
vs)	
)	JURY TRIAL DEMANDED
Westinghouse Electric Company, LLC,)	
)	
Defendant)	
)	

MOTION TO DISMISS PURSUANT TO RULE 12(b)(1)

AND NOW comes the Defendant, Westinghouse Electric Company, LLC., by and through its counsel, William Pietragallo, II, Esquire and Pietragallo Gordon Alfano Bosick & Raspanti, LLP, and submits this Motion to Dismiss Pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, averring as follows:

1. The Plaintiff, Curtiss-Wright Electro-Mechanical Corporation (“Curtiss-Wright”) filed a Complaint against Defendant, Westinghouse Electric Company, LLC (“Westinghouse”) on March 24, 2021. Westinghouse was served on April 13, 2021. Prior to effectuating service on Westinghouse, Curtiss-Wright filed a Motion to Stay. This Honorable Court granted that Motion pending completion of a mediation conference in Pittsburgh on June 24, 2021. That conference occurred and was not successful in bringing about a settlement.

2. Westinghouse cooperated with the Stay Order but now acts to dismiss this matter for lack of subject matter jurisdiction.

3. Curtiss-Wright is a resident of Delaware and Pennsylvania (Compl. at ¶ 5).

4. Westinghouse is also a citizen of Delaware.

5. Curtiss-Wright avers jurisdiction under 28 U.S.C. § 1332(a)(1) for diversity jurisdiction.

6. Complete diversity does not exist among the parties and, therefore, this Court does not have jurisdiction pursuant to § 1332(a).

7. A companion Brief sets forth the legal basis of this Motion to Dismiss.

WHEREFORE, Westinghouse respectfully requests this matter be dismissed for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1).

Respectfully submitted,

/s/ William Pietragallo
William Pietragallo, II, Esquire
*Counsel for Westinghouse Electric
Company, LLC*